



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

Memorandum

TO: Superintendents and Charter Holders

FROM: Colette Chapman, Deputy Associate Superintendent
Exceptional Student Services/Arizona Department of Education

Roberta Brown, Director, State and Federal Initiatives
Exceptional Student Services/Arizona Department of Education

DATE: August 11, 2009

SUBJECT: Accessibility to Textbooks and Instructional Materials

IDEA 2004 and AZ 15-731-32 stipulate the requirements to provide textbooks and core instructional materials in accessible formats to public school students with print disabilities. The federal government has established the NIMAS (National Instructional Materials Accessibility Standard) and NIMAC (National Instructional Materials Accessibility Center) to assist education agencies in meeting these requirements.

Publishers create NIMAS files for textbooks and core instructional materials developed for elementary and secondary education. The NIMAS source files are not student ready and will require conversion into Braille, audio, digital text, large print or other formats for qualifying students. These alternate format materials must be delivered to a student with a print disability at the same time that printed and non-printed instructional materials are distributed to other students.

The NIMAC is a central repository established at the American Print Houses for the Blind (APH) to store and maintain NIMAS file sets. In August 2006, Public Education Agencies (PEAs) were asked to submit a statement of assurance regarding their agency's intent to "opt in" or "opt out" of the NIMAC. "Opting in" means that you have decided to use the NIMAC to obtain NIMAS files for your qualifying print disabled students. "Opting out" means that you will find your own source for obtaining the NIMAS source files. Whichever option is selected, the PEA is required to provide core instructional materials in alternate formats to qualifying students with print disabilities at the same time print materials are distributed to other students.

Your textbook adoption team needs to be aware of this decision and the requirement that PEAs choosing to "opt in" must include a provision in contracts and purchase agreements with publishers requiring that the publishers produce NIMAS source files and deposit them into the NIMAC. ADE is advised that this will not cause additional charge to the PEAs. Sample language provided by the NIMAS is as follows:

The publisher agrees to prepare and submit, on or before __/ __/ ____ a NIMAS file set to the NIMAC that complies with the terms and procedures set forth by the NIMAC. Should the vendor be a distributor of the materials and not the publisher, the

distributor agrees to immediately notify the publisher of its obligation to submit NIMAS file sets of the purchased products to the NIMAC. The files will be used for the production of alternate formats as required under the law for students with print disabilities.

Your immediate action is required to:

1. Review the attached NIMAC option form completed by your district representative. The NIMAC option form must be returned no later than October 1, 2009, to:

Candice Trainor
Arizona Department of Education
1535 W. Jefferson St., Bin 24
Phoenix, AZ 85007

2. PEAs choosing to “opt out” of the NIMAC are not relieved from the requirement to provide core instructional materials to qualifying students with print disabilities **and** must arrange for another way to access the NIMAS files.
3. PEAs choosing to “opt in” **must** include a provision to have NIMAS files deposited in the NIMAC in agreements with publishers for all core instructional materials.
4. Review the attached comparison chart and disseminate to those you feel would benefit from this information.

Additional information is available at the ADE website,
<http://www.ade.az.gov/ess/StateFedInitiatives/Accessible.asp>, or by contacting Candice Trainor
at candice.trainor@azed.gov.